

## REMARKS

Claims 1-7 and 9-13 are present in the instant application. Reconsideration in view of the following remarks is kindly requested.

### Claim Rejections - 35 U.S.C. § 102

The Examiner alleges that claims 1-7 and 9-14<sup>1</sup> stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nevo (U.S. Patent No. 6,320,873). This rejection is respectfully traversed.

Applicant respectfully submits that Nevo fails to teach or suggest a method of communicating between a wireless unit and a packet data network comprising, at least sending a setup packet over a circuit switched link between a wireless unit and a base station, sending data packets for a data session over a packet-switched link between the wireless unit and packet data network on a wireless resource that has been temporarily allocated in response to a request for a wireless resource to send data packets for said data session, as recited in claim 1.

Nevo describes a system in which a mobile station (MS) 40 has the ability to communicate with (1) a GSM BSS 30 using standard GSM communication protocol, and (2) a CDMA BSS 32 using packet-data based or CDMA based communication methods. In particular, if MS 40 is within a cell served by a GSM BSS 30, the MS preferably communicates with BSS 30 over a suitable GSM/TDMA air interface. In other words, the MS 40 will primarily use a circuit switched link (or path) to communicate with BSS 30. If the MS 40 is within a cell served by CDMA BSS 32, the MS 40 will communicate with CDMA BSS 32 over a CDMA radio air interface, which is a packet-switched link.

In particular, Nevo describes a method for conveying packet data between a mobile station and a GSM (circuit switched network) in which packet data is conveyed over a CDMA (packet-switched link) air interface. However, the GSM network in Nevo is not a packet data network; thus there is not a data session being set up between a wireless unit and a packet data network, as recited in

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<sup>1</sup> Claims 1-7 and 9-13 are pending; there is no claim 14 in the application.

claim 1. This is because the GSM network of Nevo requires a service node to establish a link between a mobile station and a packet data network, and does not describe the actual sending of a setup packet over a circuit switched link between a wireless unit and a base station to establish a data session between a wireless unit and a packet data network over a packet-switched link. In particular, Nevo requires substantial mapping of GPRS frames onto CDMA air interfaces, which is not a focus, nor required, by the present application.

In the present application, the circuit switched link is used for transmitting a setup packet between a base station and a mobile station to reduce the delay associated with setting up a data session over a packet-switched link, thereby improving data rate between a wireless communication system and a packet data network. Accordingly, round trip time (RTT) associated with setting up a data session may be reduced to improve overall system data rate. This is not foreseen anywhere in Nevo et al., because Nevo is directed to a mobile station that may be configured for conducting general operations with a circuit switched network and general operations with a separate packet data network. Nevo says nothing about using a circuit switched link to send setup packets to establish a data session between the mobile station and the packet data network. For at least these reasons, Applicant submits that the rejection fails, as Nevo fails to teach or suggest each of the features recited in independent claim 1.

Further, various ones of the dependent claims add further distinctions over Nevo, for example.. As Nevo does not teach or suggest using a circuit switched link for sending a setup packet, Nevo is thus silent on any teaching of multiplexing a setup packet with a traffic frame, or with a voice frame over a circuit switched link, as recited in claims 4 and 5. Nevo fails to teach or suggest the use of temporary assignments of supplemental channels as the wireless resource for sending data packets for a data session as recited in claim 9. For at least these additional reasons, and since the Examiner has not explicitly pointed out where features in the dependent claims are taught or suggested in Nevo, Applicant submits that Nevo fails to teach each and every element of dependent claims 4, 5 and 9, discussed herein as examples of features not taught in Nevo.

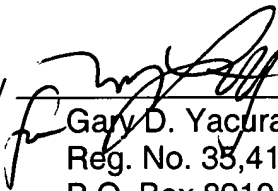
**CONCLUSION**

In the event that any matters remain at issue in the application, the Examiner is invited to contact Matthew J. Lattig at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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